



**House Bill 399**  
**State Historical Artifacts; Crimes**  
**Sectional Analysis, Version A, 3.15.22**

**Section 1** – Amends AS 11.76.113(a) by adding new subsections (3)(A) and (3) (B), expanding the definition of the crime of misconduct involving confidential information in the first degree to include obtaining or possessing information classified by law as confidential, with the intent to use it themselves, or to provide it to another person, to violate AS 41.35. Most of the information maintain in the state’s database of historic and archaeological resources is “restricted”, not “confidential”.

**Section 2** – Amends AS 41.35.010 to change “historic, prehistoric, and archaeological resources” and exclude artifacts from its the definition. The statute narrows the definition of “artifacts” and removes many cultural resources from the state’s protection against loss, degradation or destruction.

**Section 3** – Amends AS 41.35.020 to change the “historic, prehistoric, and archaeological resources” on State-owned or -controlled land to which the State reserves title to a more narrowly defined “artifacts.” It also changes the “historic, prehistoric, and archaeological resources” which may, under specific conditions, be available for use by local cultural groups.

**Section 4** – Amends AS 41.35.080 to change the “historic, prehistoric, and archaeological resources” for which the DNR commissioner may issue permits for investigation, excavation, gathering, or removal to a more narrow definition of “artifacts.”

**Section 5** – Amends AS 41.35.200(a) to change the “historic, prehistoric, and archaeological resources” for which the DNR commissioner may issue permits for appropriation, excavation, removal, injury, or destruction to also include a more narrowly defined “artifacts.”

**Section 6** – Amends AS 41.35.200(b) to change the “historic, prehistoric, and archaeological resources” whose sale, purchase or interstate transportation, or offerings of the same, is banned under 16 U.S.C. 433 (federal law relating to protection of antiquities in national and international parks, monuments, etc.) to also include a more narrowly defined “artifacts.”

**Section 7** – Amends AS 41.35.200(d) to change the “historic, prehistoric, and archaeological resources” which, if taken in violation of the section, shall be seized by a person with designated authority under the section, and later disposed of in the proper public depository as determined by the DNR commissioner, to also include a more narrowly defined “artifacts.”

**Section 8** – Amends AS 41.35.210 by adding a new section (1) establishing violation of AS 41-35.010 – AS 41-35.210 as a class B felony, punishable as provided in AS 12.55, if the value of

the artifact or historical resource is \$25,000 or more. It further establishes for such violations a minimum fine of \$25,000 or three times the value of the artifact or historical resource, whichever is greater. It also establishes that violations involving artifact or historical resource with a value of less than \$25,000 are punishable as provided in AS 12.55 as class A misdemeanors. The amendment does not address non-value violations of A.S 41.35.

**Section 9** – Amends AS 41.35.230(2) to delete “artifacts” from the definition of “historic, prehistoric, and archeological resources.”

**Section 10** – Amends AS 41.35.230 to add a definition of “artifact.”

**Section 11** – Amends State of Alaska uncodified law to make AS 11.76.113(a) (as amended by Section 1) and AS 41.35.210 (as amended by Section 8) applicable to offenses committed on or after the bill’s effective date.